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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,322	03/24/2004	Kozo Yamazaki	250679US3	4002

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EXAMINER

MARTINEZ, CARLOS A

ART UNIT PAPER NUMBER

2853

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,322

Applicant(s)

YAMAZAKI, KOZO

Examiner

Carlos A. Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-11,13-15,17-19,21-25,27-29,31-33,35-37,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,7-11,13-15,29,31-33,35-37,39, and 40 is/are allowed.
- 6) ☒ Claim(s) 15, 17-19, 21-25, 27, and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The corrections made to the specification were received on 07/26/2006. It is noted that these corrections to the specifications are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 17-19, 21-25, 27, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 15, 19, and 25, the meaning of “shielding means” and “covering means” is unclear and/or does not appear to be presented in harmony with the specifications or readily evident through the drawings. It is uncertain to the Office whether the “shielding means” is referring to the dustproof member or the movable member that covers/uncovers the dustproof member. This uncertainty, with regards to the meaning of “shielding means”, is a due to the uncertainty in the meaning of “covering means” which is referred to in claims 15, 19, and 25 as covering the shielding means. It is uncertain to the Office what is being identified as covering the shielding means. Further, the use of “shielding means” and “covering means” lends to a confused understanding of what specifically is seeking to be limited by the claims, and also the

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claim language seeming to provide opening for various combinations/meanings of what is being claimed. In response to applicant's statement that the 'claims should be construed to cover the corresponding structure in the specifications', it should be noted that the limitations from the specification are not read into the claims (see *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)). Therefore, as the claim language is not distinctly claimed and indefinite to the Office, for the purpose of examination, these claims (Claims 15, 19, and 25) will be interpreted to have "shielding means" refer to the dustproof member and "covering means" to refer to the movable shield which covers/uncovers the dustproof member as stated in claim 1 and in harmony with the phraseology of the specifications.

Further, since claims 17-18, 21-24, 27, and 28 are dependent on a rejected parent claim they are also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Allowable Subject Matter

1. Claims 15, 19, and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
2. Claims 17-18, 21-24, 27, and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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3. Further, Claims 1, 5, 11, 29, 33, and 37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Claim 1 is allowable over the art of record because the prior art does not teach an optical writing device comprising: a housing having an opening; a dustproof member configured to be light permeable and close the opening; a light source installed in said housing and configured to irradiate an image carrier with a light beam through said dustproof member; a shield movable between a first position to cover said dustproof member and a second position to uncover said dustproof member; and a cleaner attached to said shield and arranged to contact at least a part of the dustproof member during the first and second positions.

The following is a statement of reasons for the indication of allowable subject matter: Claim 5 is allowable over the art of record because the prior art does not teach an image forming apparatus for electrophotographic image forming comprising: an image carrier for carrying an image formed with irradiation of a light beam; and an optical writing device comprising: a housing having an opening; a dustproof member configured to be light permeable and close the opening; a light source installed in said housing and configured to irradiate said image carrier with the light beam through said dustproof member; a shield movable between a first position to cover said dustproof member and a second position to uncover said dustproof member; and a cleaner attached to said shield and arranged to contact at least a part of the dustproof member during the first and second positions.

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The following is a statement of reasons for the indication of allowable subject matter: Claim 11 is allowable over the art of record because the prior art does not teach an image forming apparatus for electrophotographic image forming comprising: an image carrier configured to carry an image formed with irradiation of a light beam; an optical writing device comprising: a housing having an opening; a dustproof member configured to be light permeable and close the opening; and a light source installed in said housing and configured to irradiate said image carrier with the light beam through said dustproof member, a shield movable between a first position to cover said dustproof member and a second position to uncover said dustproof member; and a cleaner attached to said shield and arranged to contact at least a part of the dustproof member during the first and second positions.

The following is a statement of reasons for the indication of allowable subject matter: Claim 29 is allowable over the art of record because the prior art does not teach an optical writing method comprising the steps of: storing an optical writing mechanism into a housing having an opening; closing the opening with a light-permeable dustproof member; emitting a light beam from inside the housing for irradiating an external image carrier through the opening and the dustproof member; moving a shield between a first position at which the shield covers the light-permeable dustproof member when the optical writing mechanism is inactivated, and a second position at which the shield uncovers the light-permeable dustproof member; and providing a cleaner to the shield in contact with at least a part of the light-permeable dustproof member configured to clean off an exterior of the light-permeable dustproof member when the shield is moved between the first and second positions in said moving step.

The following is a statement of reasons for the indication of allowable subject matter: Claim 33 is allowable over the art of record because the prior art does not teach an image forming method for electrophotographic image forming, comprising the steps of: carrying an image by an image carrier; and performing an optical writing method comprising the steps of: storing an optical writing mechanism into a housing having an opening; closing the opening with a light-permeable dustproof member; emitting a light beam from inside the housing for irradiating the image carrier through the light-permeable dustproof member; moving a shield between a first position at which the shield covers the light-permeable dustproof member when the image forming operation of the image forming method is inactivated, and a second position at which the shield uncovers the light-permeable dustproof member; and providing a cleaner to the shield in contact with at least a part of the light-permeable dustproof member configured to clean off an exterior of the light-permeable dustproof member when the shield is moved between the first and second positions in said moving step.

The following is a statement of reasons for the indication of allowable subject matter: Claim 37 is allowable over the art of record because the prior art does not teach an image forming method for electrophotographic image forming, comprising the steps of: carrying an image by an image carrier; performing an optical writing method comprising the steps of: storing an optical writing mechanism into a housing having an opening; closing the opening with a light-permeable dustproof member; emitting a light beam from inside the housing through the light-permeable dustproof member; moving a shield between a first position at which the shield covers the light-

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permeable dustproof member when an image forming operation of the image forming method is inactivated, and a second position at which the shield uncovers the light-permeable dustproof member; and providing a cleaner to the shield in contact with at least a part of the light-permeable dustproof member configured to clean off an exterior of the light-permeable dustproof member when the shield is moved between the first and second positions in said moving step.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Martinez whose telephone number is (571) 272-8349. The examiner can normally be reached on 8:30 am - 5:00 pm (M-F).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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08/04/2006



HAI PHAM
PRIMARY EXAMINER